

JUDGE SCHEINDLIN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- V. -

RAFAEL ESPINAL,
a/k/a "Francis,"

Defendant.

INFORMATION

07 Cr.

07 CRIM. 615

COUNT ONE

The United States Attorney charges:

1. From at least in or about 1999, up to and including on or about March 5, 2007, in the Southern District of New York and elsewhere, RAFAEL ESPINAL, a/k/a "Francis," the defendant, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that RAFAEL ESPINAL, a/k/a "Francis," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

06 2007

Overt Act

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. In or about 2003, RAFAEL ESPINAL, a/k/a "Francis," the defendant, discussed purchasing cocaine with co-conspirators not named as defendants herein.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the offense alleged in Count One of this Information, RAFAEL ESPINAL, a/k/a "Francis," the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the narcotics trafficking offense, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Count One of this Information, including but not limited to the following:

a. A sum of money in United States currency representing the amount of proceeds obtained as a result of the offense alleged in Count One of this Information.


Substitute Assets Provision

5. If any of the above-described forfeitable property, as a results of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value;
- or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(Title 21, United States Code,
Section 846.)

MICHAEL J. GARICA
United States Attorney.

conf before Judge Scheindlin on 7/12/07 at 4³⁰. Time is excluded
until that time.

RC
7/6/07
Def. Rafael Espinal present w/counsel Thomas Ambrosio, Hoeyan
Espal present for the gov't. Def. waives indictment and enters
a plea of not guilty. Def's bail is continued. Case assigned to
Judge Scheindlin. 7. Maas, 45 MJ